

Entered on Docket

April 22, 2011

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



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10 IN THE UNITED STATES BANKRUPTCY COURT FOR THE
11 NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

12 In re: CHAPTER 13
13 JEFFREY W. KING, CASE NO. 11-40759-EDJ13
14 PATRICIA L. MARTIN-KING,

15 ORDER VALUING THE LIEN OF
STONECASTLE ESTATES
HOMEOWNERS ASSOCIATION

16 Debtors. /

17 On March 21, 2011 the debtors filed a motion to value the assessment lien of Stonecastle
18 Estates Homeowners Association (hereinafter Lienholder) against the real property commonly
19 known as 36 Edinburgh Place, Alamo, CA 94507, which Lien was recorded in Contra Costa
20 County on or about September 6, 2006 as Document No. 2006-0282802-00. (hereinafter the
21 Lien).

22 The Court finds that notice of the motion upon lienholder was proper. Lienholder having
23 failed to file timely opposition to debtors' motion, the Court hereby orders as follows:

- 24 1. For purposes of debtors' Chapter 13 Plan only, the Lien is valued at zero.
25 Stonecastle Estates Homeowners Association does not have a secured claim, and the Lien may
26 not be enforced pursuant to 11 U.S.C. §§506, 1322(b)(2) and 1327.
- 27 2. This Order shall become part of debtors' confirmed Chapter 13 Plan.
- 28 3. Upon entry of a discharge or completion of plan payments in debtors' Chapter 13

case, the Lien shall be voided for all purposes, upon application by debtors, the Court will enter an appropriate form of judgment voiding the Lien.

3 **4.** If debtors' Chapter 13 case is dismissed or converted to one under another chapter
4 before debtors obtain a discharge or completes plan payments, this order shall cease to be
5 effective and the Lien shall be retained to the extent recognized by applicable nonbankruptcy
6 law, and upon application by the lienholder, the Court will enter an appropriate form or order
7 restoring the Lien.

8 5. Except as provided by separate, subsequent order of this Court, the Lien may not be
9 enforced so long as the order by the Court remains in effect.

*****END OF ORDER*****

1 **COURT SERVICE LIST**

2 Martha G. Bronitsky
3 Chapter 13 Trustee
3 PO Box 5004
4 Hayward, CA 94540

4 Stonecastle Estates Homeowners Association
5 ASAP Collection Services
6 Managing Officer and
6 Agent Designated and Authorized to Accept Service of Process
7 331 Piercy Road
7 San Jose, CA 95138

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